

ORDINANCE NO. 12-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Andrew N. Passalacqua and wife, Kimberly A. Passalacqua**, are the owners of the property across which said easement lies; that said easement or portion being vacated is not presently used and are no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by Andrew N. Passalacqua and Kimberly A. Passalacqua, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

A UTILITY AND DRAINAGE EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 5 SOUTH RANGE 1 EAST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA; BEING PART OF LOT 2, BLOCK B, ACCORDING TO THE PLAT OF MONTE VEDRA SUBDIVISION, MADISON COUNTY, ALABAMA, AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA, IN PLAT BOOK 5, PAGE 92 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A ½ INCH CAPPED IRON PIN (MCELROY) MARKING THE NORTHWEST CORNER OF LOT 2 BLOCK B, ACCORDING TO THE PLAT OF MONTE VEDRA SUBDIVISION, MADISON COUNTY, ALABAMA, AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA, IN PLAT BOOK 5, PAGE 92 LOCATED ON THE SOUTH RIGHT-OF-WAY MARGIN OF MONTE VEDRA ROAD (50 FOOT RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 15 DEGREES 31 MINUTES 59 SECONDS EAST A DISTANCE OF 199.96 FEET TO A POINT; THENCE NORTH 74 DEGREES 37 MINUTES 09 SECONDS EAST A DISTANCE OF 10.00 FEET TO A POINT BEING THE POINT-OF-BEGINNING; THENCE NORTH 74 DEGREES 37 MINUTES 09 SECONDS EAST A DISTANCE OF 154.90 FEET TO A POINT; THENCE SOUTH 15 DEGREES 29 MINUTES 45 SECONDS EAST A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 74 DEGREES 37 MINUTES 09 SECONDS WEST A DISTANCE OF 154.88 FEET TO A POINT; THENCE NORTH 15 DEGREES 31 MINUTES 59 SECONDS WEST A DISTANCE OF 35 FEET TO THE POINT-OF-BEGINNING.

SAID EASEMENT CONTAINING 0.12 ACRES.

TO HAVE AND TO HOLD unto the said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf

by its Mayor and attested by its Clerk-Treasurer, this the 3rd day of May,

2012.

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Charles E. Hagood
Clerk-Treasurer

STATE OF ALABAMA)
:
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 3rd day of May, 2012.

Notary Public

This Instrument Prepared By:
Adam C. Dauro
Heard Ary, LLC
307 Clinton Ave. W. Ste. 310
Huntsville, AL 35801

Ordinance No. 12-_____ (Cont.)
Passalaqua, Andrew N. and Kimberly A.

ADOPTED this the 3rd day of May, 2012.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 3rd day of May, 2012.

Mayor of the City of
Huntsville, Alabama